

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to the Development Impact Committee**

**PH: Z13-029**

**DIC Date: April 9, 2014**

**Item No. 1**

<b>Recommendation Summary</b>	
<b>Commission District</b>	3
<b>Applicant</b>	11200 Biscayne, LLC
<b>Summary of Requests</b>	The applicant is seeking to permit residential uses in a commercially zoned district. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property.
<b>Location</b>	11150 & 11190 Biscayne Boulevard, Miami-Dade County, Florida.
<b>Property Size</b>	6.115 acres
<b>Existing Zoning</b>	RU-4A, Hotel/Apartment House District, BU-1A, Limited Business District
<b>Existing Land Use</b>	vacant
<b>2020-2030 CDMP Land Use Designation</b>	Business and Office/Low-Medium Density Residential, 6 -13 dua (see attached <i>Zoning Recommendation Addendum</i> )
<b>Comprehensive Plan Consistency</b>	Consistent with the LUP map, and the interpretative text and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards (see attached <i>Zoning Recommendation Addendum</i> )
<b>Recommendation</b>	<b>Approval with conditions, subject to the Board's acceptance of the proffered covenant.</b>

**REQUESTS:**

- (1) SPECIAL EXCEPTION to permit residential use in the BU-1A zoning district.
- (2) VACATION of Resolution 4-ZAB-9-87 last modified by Resolution 4-ZAB-429-87, both passed and adopted by Zoning Appeals Board.

The purpose of request #2 is to delete the previous approval for the home for the aged.

- (3) NON-USE VARIANCE to permit parking within 25' of a official right-of-way.
- (4) NON-USE VARIANCE to waive the required 5' high decorative masonry wall interior to the site, where a BU zoned property abuts an RU, EU or GU zoned property.

The plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled, "Proposed Multi-Family Rental Development 11200 Biscayne, LLC as prepared by Behar Font Partners, P.A." dated stamped received 12/18/13, consisting of 16 sheets and landscape plans entitled "Biscayne Village" as prepared by Font Designs, dated stamped received 01/07/14, with sheet LA2 last handwritten revision dated 01/14/14, consisting of 3 sheets, for a total of 19 sheets." Plans may be modified at public hearing.

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

The eastern approximately 163' of the subject property is zoned BU-1A, Limited Business District and the remaining western portion of the property is zoned RU-4A, Hotel/Apartment House District. Between 1967 and 1987, the subject property has been approved for different uses and ancillary variances. Most recently, pursuant to Resolution #4-ZAB-9-87 which was later modified by Resolution #4-ZAB-429-87, the subject property was approved to allow the conversion of the use from a hotel, to a home for the aged for 440 patients.

The subject property is currently vacant and the applicant now seeks to develop the commercial and residentially zoned property as a multi-family residential development. The submitted plans depict the proposed nine (9)-story, 525,000 sq. ft., 402-unit residential multi-family residential building inclusive of 51 workforce housing units on the 6.115-net acre parcel. Said plans indicate that the proposed development will front onto Biscayne Boulevard to the east and NE 14 Avenue to the west.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-4A/BU-1A: vacant	Low-Medium Density Residential (6-13 dua)/ Business and Office
<b>North</b>	RU-3M/BU-1A: vacant	Medium Density Residential (13-25 dua)
<b>South</b>	RU-3M; apartment buildings, duplex; vacant	Low-Medium Density Residential (6-13 dua)
	BU-1A; motel	Business and Office
<b>East</b>	BU-2; condominium apartments	Business and Office
<b>West</b>	RU-3; electric substation	Low-Medium Density Residential (6-13 dua)

**NEIGHBORHOOD COMPATIBILITY:**

The 6.115-net acre subject property is a vacant parcel abutting residential and hotel uses to the south, a utility plant to the west and residential uses located in a commercial zoning district to the east. Additionally the property abuts a vacant parcel to the north. The property also fronts onto Biscayne Boulevard along which are also located other commercial and office uses to the north and south.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to provide the community with additional housing. However, the proposed nine (9)-story development could have a visual impact on the surrounding area and will create additional impacts on traffic, schools and other community resources in the area.



### **COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

Staff notes that the northern approximately 206' and eastern approximately 163', for a total of approximately 4.22-net acres of the subject parcel is designated **Business and Office** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, *residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher.* The subject property abuts a property to the northwest that is designated **Medium Density Residential** on the CDMP LUP map and which allows a range in density of 13 to 25 dwelling units per acre. Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for Business and Office, the Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. This would allow the applicants to develop the approximately 4.22-acre Business and Office designated portion of the property with a maximum of 253 residential units.

Staff notes that the remaining approximately 1.89-acre southwestern portion of the subject parcel is designated for **Low-Medium Density Residential** use on the CDMP Land Use Plan map. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. *The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartment,* which would allow the applicant to develop the property with a maximum of 24 residential units. However, staff notes that this portion of the property is currently zoned RU-4A, Hotel/Apartment House District, which would allow the property to be developed under the existing zoning that allows a maximum of 50 dwelling units per acre, for a maximum of 94 residential units. Therefore, based on the current Business and Office designation on +/- 4.22-acres of the subject property along with the RU-4A zoning on the remaining +/- 1.89-acre portion of the property, staff opines that currently, the property could be developed with a maximum of 347 residential units without any density bonus allowed by the CDMP Land Use Element interpretative text.

The CDMP Land Use Element interpretative text states that *through the Voluntary Inclusionary Program, a density bonus of up to 25% may be allowed for projects that set aside residential units for workforce housing.* The applicant has proffered a declaration of restrictions that will restrict the development of the property to the specifications outlined in the Miami-Dade County Code pertaining to workforce housing development. Therefore, subject to the acceptance of the proffered covenant, staff opines that the 25% Density Bonus for Affordable Housing could be applied to the approximately 6.115-net acre property to allow an additional 86 dwelling units for



a total of 433 dwelling units on the subject property. However, the applicant indicated in its letter of intent that the +/-6.115-net acre property will be developed 402 residential units, inclusive of fifty-one (51) workforce housing units.

Said text also states that *to be eligible for any of the density bonuses described above, the proposed development shall be consistent with the adopted goals, objectives and policies of the Comprehensive Development Master Plan.* Further, the interpretative text states that *the actual density achieved on a particular property will be depend on all applicable land development regulations and compatibility standards.*

The CDMP land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Based on the foregoing analysis, staff opines that the proposed development will be adequately buffered and will not have a negative visual impact on the surrounding properties or on passersby along Biscayne Boulevard and would be **compatible** with the area based on the criteria set forth in the CDMP Land Use Element, **Policy LU-4A**. Therefore, staff opines that approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Low-Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map. Further, staff opines that subject to the acceptance of the proffered covenant for Workforce Housing, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text Density Bonus Programs for Affordable Housing.

#### **ZONING ANALYSIS:**

The applicant is seeking approval of a request to permit a multi-family residential development on a 6.115-acre parcel of land, a portion of which is zoned BU-1A, Limited Business District (request #1) under Section 33-311(A)(3), Special Exception, Unusual and New uses. Additionally, to permit the redevelopment of the parcel that was previously approved to allow a home for the aged pursuant to Resolution #4-ZAB-9-87, last modified by Resolution #4-ZAB-429-87, the applicant also seeks to vacate the aforementioned resolutions, under Section 33-311(A)(7), Generalized Modification Standards (request #2). Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that based on the memorandum from the Public Works and Waste Management Department, the approval of the application, including request #1 to permit the residential development on a commercially zoned parcel along with request #2, to vacate the prior resolutions pertaining to the previously approved home for the aged, to facilitate the redevelopment of the parcel, would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic. Their memorandum states that approval of the application will not cause the surrounding roadways to include Biscayne Boulevard and NE 125 Street among others to operate above the existing Level of Service (LOS) standards. Further, said memorandum indicated that this application will be granted concurrency approval since the project is located within the Urban Infill Area (UIA).



Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. The Miami-Dade Fire Rescue Department (MDFRD) memorandum stated that the average travel time to the vicinity of the proposed development would be 6:39 minutes. According to its memorandum, this travel time complies with the performance objective of the national industry. As such, staff opines that approval of the aforementioned requests will not unduly burden the MDFRD resources that exists or that are budgeted or planned in this area. The Miami-Dade Police Department (MDPD) also, does not object to this application. The MDPD memorandum indicates an anticipation of a likelihood of an increase in the calls for service based on experience and that current staffing levels could accommodate any slight increase in the volume of calls for service. However, the MDPD in its memorandum encouraged the developers to work with the Department to determine the best possible solutions or security options and to incorporate design plans that will grant 24-hour access to the swimming pool area for emergency personnel.

Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), Water and Sewer and Transit Departments, staff opines that approval of this application will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. Further, staff opines that approval of the requests which will allow the multi-family development will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area.

The submitted plans, depict the proposed 402 unit multi-family residential development inclusive of fifty-one (51) workforce housing units on the dual frontage lot. The square shaped, nine (9)-story building will be located central to the site and will enclose the expansive courtyard and pool area. The plans depict the nine-story building containing the residences and amenities located within the highest portions of the building that are oriented towards Biscayne Boulevard to the east at a maximum elevation of 99' high. The rear, approximately 120' of the building contains the garages for the residential development, is seven (7) stories high and is only approximately 59' high. This section of the building is oriented towards the residentially zoned properties to the west along NE 14 Avenue which contains an existing utility plant. Said plans also indicate that the proposed residential development will be setback more than allowed from the front (east and west) property lines on the dual frontage lot by the zoning district regulations and will be adequately spaced from the interior sides (north and south) property lines, which also abut residential and commercially zoned parcels. All of the abutting parcels to the north are currently vacant. However, apart from one (1) parcel to the south that is zoned BU-1A, Limited Business District and contains a motel use, the remaining properties are zoned RU-3M, Minimum Apartment House District containing a mix of apartments, duplex residences and vacant parcels. The submitted plans indicate sufficient landscaping in the form of trees and



shrubbery to mitigate any negative visual impact of the development on the existing residences to the south and east. Additionally, the applicant's letter of intent and the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Staff opines that approval of the proposed plans for the multi-family residential development that will contain 402 residential units that is the subject of requests #1 and #2, would be **compatible** with the surrounding commercial, residential and utility uses.

However, staff notes that the survey submitted with the application indicates that there is an existing 10' wide Florida Power and Light (FP&L) easement that runs throughout the subject property, which will impact any future development of the 6.11-acre parcel. At the time of writing, the applicant has not yet submitted documentation from FP&L indicating that they do not object to the application. Therefore, as a condition for approval, staff requires that this documentation be provided prior to the applicant obtaining final plat approval, if necessary, and if not, prior to obtaining permit approval. **Based on the foregoing analysis, and subject to the Boards acceptance of the proffered Workforce Housing Covenant, staff recommends approval of requests #1 under Section 33-311(A)(3), Special Exception, Unusual and New uses, and request #2 under Section 33-311(A)(7), Generalized Modification Standards.**

The applicant also seeks approval of ancillary Non-Use Variance requests to permit parking within 25' of the right-of-way abutting NE 14 Avenue (request #3) and to waive a required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #4).

When the aforementioned requests (requests #3 and #4) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that the approval of the location of the surface parking areas within the 25' setback area abutting the front (west) property line (request #3) along with the approval to waive the masonry wall internal to the site (request #4) will not be detrimental to the surrounding area. Staff notes that the parking area that is the subject of request #3 abuts an FP&L sub-station to the west. Further, staff notes that the submitted landscape plans indicate that the parking area will be adequately buffered with a continuous row of hedges and trees which staff opines will mitigate any negative visual impact on passersby along NE 14 Avenue.

In addition, staff is supportive of the applicant's request to waive the requirement for a wall between the BU and RU zoned portions of the property. Staff concurs with the applicant's assertion in its letter of intent that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. Therefore, staff opines that approval of the aforementioned requests for parking (request #3) and to waive the wall requirement (request #4) would not affect the appearance of the surrounding area and would also be **compatible** with same. **Staff therefore, recommends approval with conditions of requests #3 and #4, under Section 33-311(A)(4)(b), the Non-Use Variance Standards.**



**ACCESS, CIRCULATION AND PARKING:** The submitted plans indicate a main ingress/egress points along Biscayne Boulevard to the east and NE 14 Avenue to the west. These plans also indicate pedestrian walkways throughout the development that provide connectivity to the amenities within the development as well as to Biscayne Boulevard to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:**

***Aviation***

The Miami-Dade County Aviation Department (MDAD) has no objections to this application provided the applicants comply with all State and Federal regulations.

***Division of Environmental Resources Management (Department of Regulatory and Economic Resources)***

The Division of Environmental Resource Management (DERM) recommends **approval with conditions** of this application after a review for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County.

The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein. Its memorandum indicates that the property is located within the City of North Miami's water and sewer franchised service areas. The Surface Water Management General Permit from the Department will be required for the construction and operation of the surface water management system and must be obtained prior to platting and/or site development. Its memorandum further indicates that the subject property contains specimen sized trees that will be impacted by the proposed project and that a Tree Removal/Relocation Permit #4877 was issued for these sites. The DERM memorandum indicates that since the landscape plans submitted with the application match the permitted site plans, DERM recommends approval of the zoning application. Also, its memorandum indicated that the sites contain prohibited trees that, pursuant to Section 24-49.9 of the Code shall be removed from the properties prior to the development or redevelopment, and their sale, propagation, planting, importation or transportation is prohibited. The subject properties do not contain any jurisdictional wetlands, however, the memorandum indicated that a Surface Water Management General Permit from DERM will be required for the construction and operation of the required surface water management system.

***Miami-Dade Fire Rescue***

The Miami-Dade Fire Rescue Department (MDFRD) **has no objections** to this application.

Its memorandum indicates that the proposed development could generate approximately 112 fire and rescue calls annually. The department states that the estimated number of alarms would result in a severe impact to the existing fire and rescue service and current stations serving the area will be able to handle the additional number of alarms. The average travel time to the vicinity of the proposed development is 6:39 minutes (based on 2013 data). Travel time to the vicinity of the proposed development complies with the national performance objective.



However, MDFRD indicate in its memorandum during the platting and permitting stages, the proffered plans must be reviewed by the Fire Water and Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards, including all applicable conditions set forth during the DIC process.

***Miami-Dade Police Department***

The Miami-Dade Police Department (MDPD) **does not object** to this application. The MDPD memorandum indicates an anticipation of a likelihood of an increase in the calls for service based on experience. The memorandum indicated that a review of current data of police staffing, population and calls for service compared to the proposed development of the site with approximately 402 residential units was done. Its memorandum indicated that current staffing levels could accommodate any slight increase in the volume of calls for service. However, the MDPD in its memorandum encouraged the developers to work with the Department to determine the best possible solutions or security options and to incorporate design plans that will grant 24-hour access to the swimming pool area for emergency personnel.

***Miami-Dade Transit***

The Miami-Dade Transit Department (MDT) **has no objections** to this application, subject to the acceptance of the proffered declaration of restrictions.

Its memorandum indicates that the proposed development will benefit from its location on one of MDT's premium transit corridors along Biscayne Boulevard. The MDT indicated in its memorandum that the proposed multi-family residential development will be located within less than a half mile of the north and southbound planned enhanced bus stations for the Biscayne Enhanced Bus route.

***Parks, Recreation and Open Spaces***

The Miami-Dade Parks, Recreation and Open Spaces Department (MDPROS) **does not object** to this application.

Its memorandum indicates that this application is in Park benefit District 1 (PBD1) which has a surplus capacity of 310.91 acres when measured by the County concurrency level-of-services (LOS) standards for the unincorporated area of 2.75 acres of local recreation open space for 1,000 persons in UMSA.

Said Department's memorandum also indicated that the proposed development is within 0.10 miles of the nearest park, the Biscayne Shores and Gardens Park and that the submitted plans includes pedestrian circulation showing the ability of future residents to access public open spaces.

***Public Works and Waste Management Department (Traffic Engineering Division)***

The Public Works and Waste Management Department, Traffic Division (TED) **does not object** to this application.

Its memorandum indicates that the anticipated trip generation based on ITE is 239 PM Peak Hour trips generated by this development; however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways NE 125 Street, west of NE 4 Avenue and Biscayne Boulevard, south of NE 123 Street which will operate at Los "D"; Broad Causeway, west of N. Bayshore Drive and NE 8 Avenue, north of US-1 which will



continue to operate at Los "C", and NW 79 Street, east of N. Bayshore Drive which will continue to operate at Los "E" and SW 117 Avenue which are currently operating at LOS "D" and "EE". Its memorandum further states that this application will be granted concurrency approval pursuant to the Miami-Dade County Code since it is located within the Urban Infill Area.

Said memorandum also requires certification by a State of Florida registered engineer as part of the paving and drainage plans. The memorandum further indicates that no vehicle trips have been reserved by this application and that this project is subject to the payment of Road Impact Fees.

***Public Works and Waste Management Department (Fiscal, Planning and Performance Management Division)***

The Public Works and Waste Management Department, Fiscal, Planning and Performance Management Division **does not object** to this application.

***Water and Sewer Department***

The Miami-Dade County Water and Sewer Department (MDWASD) **has no objections** to this application. Public water mains and sanitary sewers exist throughout the area.

***Miami-Dade County Public Schools (M-DCPS)***

The M-DCPS **does not object** to this application. Its memorandum indicates that the proposed 402 unit residential development would generate 134 students; 62 elementary, 34 middle and 38 senior high students. The MDCPS indicated in its memorandum that the elementary school level in this area does not have sufficient capacity to serve the application.

The M-DCPS memorandum also indicates that a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan approval or functional equivalent. Therefore, the MDCPS indicated that **the memorandum does not constitute a Public School Concurrency approval**.

**OTHER:** Not applicable.

**RECOMMENDATION:**

**Approval with conditions, subject to the Board's acceptance of the proffered covenant.**

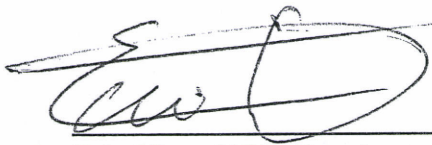
**CONDITIONS FOR APPROVAL:**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Multi-Family Rental Development 11200 Biscayne, LLC" as prepared by Behar Font Partners, P.A. dated stamped received 12/18/13, consisting of 16 sheets and landscape plans entitled "Biscayne Village" as prepared by Font Designs, dated stamped received 01/07/14, with sheet LA2 last handwritten revision dated 01/14/14, consisting of 3 sheets, for a total of 19 sheets.



3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That prior to the applicant obtaining final plat approval, if necessary, and if not, prior to obtaining permit approval, the applicant shall provide the required written authorization from the Florida Power and Light Corporation, approving the development of the property within the existing utility easement areas.
6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resource Management of the Department of Regulatory and Economic Resources as contained in their memorandum dated February 20, 2014, that is part of the record of the April 9, 2014, DIC recommendation and is incorporated herein by reference.
7. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as contained in their memorandum dated March 10, 2014, that is a part of the record of the April 9, 2014, DIC recommendation and is incorporated herein by reference.

ES:MW::NN:JV:CH



Eric Silva, AICP, Development Coordinator  
Development Services Division  
Miami-Dade County  
Department of Regulatory and Economic Resources



## ZONING RECOMMENDATION ADDENDUM

Applicants: 11200 Biscayne, LLC  
PH: Z13-029

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection*
Public Works and Waste Management	No objection*
Parks, Recreation and Open Spaces	No objection*
Water and Sewer	No objection
Aviation	No objection
Fire Rescue	No objection
Police	No objection*
Schools	No objection*
*Subject to conditions in their memorandum.	

### COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<b>Business and Office</b> (Page I-41)	<i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i>
<b>Low-Medium Density Residential</b> (Page I-31)	<i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for <b>Low-Medium Density Residential</b>. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i>
<b>Objective LU-4</b> (Page I-11)	<i>Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.</i>
<b>Policy LU-4A</b> (Page I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>



## ZONING RECOMMENDATION ADDENDUM

Applicants: 11200 Biscayne, LLC  
PH: Z13-029

<b>Density Bonus Program for Affordable Housing</b> (Page I-32 – I-32.2)	<p>The following describes the various density bonus incentives for affordable housing and workforce housing that the Board of County Commissioners may approve:</p> <p><b>25% Density Bonus for Workforce Housing:</b> Through the Voluntary Inclusionary Zoning program, a density bonus of up to 25% may be allowed for projects that set aside residential units for workforce housing. The Voluntary Inclusionary Zoning program defines workforce as households with incomes between 65 and 140% of the County's median income.</p> <p>To be eligible for any of the density bonuses described above, the proposed development shall be consistent with the adopted goals, objectives and policies of the Comprehensive Development Master Plan. The actual density achieved on a particular property will depend on all applicable land development regulations and compatibility standards. Sites shall be within the Urban Development Boundary, and sound urban design principles adopted by County ordinance or other binding instrument approved by action of the Board of County Commissioners must be applied. Appropriate compatibility standards must be followed to assure that the proposed development is compatible or made compatible with any adjoining or adjacent uses.</p>
<b>Density Averaging</b> (Page I-32.2)	<p>The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.</p> <p>Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.</p>



# ZONING RECOMMENDATION ADDENDUM

Applicants: 11200 Biscayne, LLC  
PH: Z13-029

## PERTINENT ZONING REQUIREMENTS/STANDARDS

<p><b>Section 33-311(A)(3) Special Exception, Unusual and New Uses.</b></p>	<p>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</p>
<p><b>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</b></p>	<p>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</p>
<p><b>Section 33-311(A)(7) Generalized Modification Standards.</b></p>	<p>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</p>
<p><b>33-303.1(D)(7) Developmental Impact Committee</b></p>	<p>Review and make recommendations concerning County zoning actions, with the exception of applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), which are:</p> <p>(a) Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</p> <ol style="list-style-type: none"> <li>1. Residential developments involving in excess of two hundred fifty (250) dwelling units.</li> </ol>